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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/031,282
Filing Date: February 12, 2002
Appellant(s): KOBAYASHI ET AL.

Thomas F. Presson
Reg. No. 45,301
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/29/2007 appealing from the Office action mailed 3/30/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,443,840

Von Kohorn

9-2002

JP 2000-005439 Nippon, (Jan 11, 2000).

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2, 4-9, and 11-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nippon (JP 2000-005439) in view of Von Kohorn (US Patent No. 6,443,840 B2).

Regarding claim 1, Nippon teaches a video game device 103 that reads video game software from a recording medium (host computer memory) and client registration control means for getting access to said service provider through said network and performing client registration of said video game program when the player stops play or the game gets interrupted. In addition, if the game becomes interrupted or the player would like to stop the game, the progression of the game is stopped, but saved and printed using a code that tells the machine the game program that was used and the level the player was on at the time. The host computer additionally works as the service provider of the network, giving it administration means to provide the privileged information printed for the player, where it is inherent that the printer control program converts the privilege information into printed data. Therefore, the progression of the game is based on the keycard. Once the player inputs this back into the game machine, the information is read and pulled up for the player. See Detailed Description ¶ 0014. Nippon lacks in disclosing the advertising information registered and distributed. Von Kohorn teaches advertising material, such as a coupon, being printed out for the players (col.24: 35-52). The advertising material has an advantage of being transmitted to remote locations through instructional signals and printing the coupons. It would have

been obvious to one of ordinary skill in the art to use such signals with the system taught by Nippon by authenticating them through the administrative server and embedding and/or printing the advertising material on the key card used by the player. By doing this, the player would carry around the advertising information and be forced to view it, as opposed to a paper coupon separate from the key card where the player may elect to not view the advertised information.

Regarding claim 2, Nippon teaches a printer for a keycard that is inherent to have a printer control program that prints the privilege information that is contained on the keycard. See Detailed Description ¶ 0014.

Regarding claim 4, Nippon teaches a keycard that contains privilege information including client information, which is inherent in the keycard being that it is printed for that player at that specific point in the game, whether the game was stopped by the player or the game play interrupted. See Detailed Description ¶ 0014 and 0015.

Regarding claim 5, Nippon teaches validation of privilege information on the basis of said identification information that is a part of said privilege information. The identification information is inherent in the keycard being that it is printed for that player at that specific point in the game; whether the game was stopped by the player or the game play interrupted. See Detailed Description ¶ 0014 and 0015. Also, the keycard identifies the stage code and game code, which is identification information specific to that player. See Detailed Description ¶ 0021 and 0022.

Regarding claim 6, Nippon teaches a video game device 103 that reads video game software from a recording medium (host computer memory) and client registration

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control means for getting access to said service provider through said network and performing client registration of said video game program when the player stops play or the game gets interrupted. In addition, if the game becomes interrupted or the player would like to stop the game, the progression of the game is stopped, but saved and level the player was on at the time, where it is inherent that the printer control program converts the privilege information into printed data. Therefore, the progression of the game is based on the keycard and the keycard is what is used to accept access of that player. See Detailed Description ¶¶ 0014 and 0021. Nippon lacks in disclosing the advertising information registered and distributed. Von Kohorn teaches advertising material, such as a coupon, being printed out for the players (col.24: 35-52). The advertising material has an advantage of being transmitted to remote locations through instructional signals and printing the coupons. It would have been obvious to one of ordinary skill in the art to use such signals with the system taught by Nippon by authenticating them through the administrative server and embedding and/or printing the advertising material on the key card used by the player. By doing this, the player would carry around the advertising information and be forced to view it, as opposed to a paper coupon separate from the key card where the player may elect to not view the advertised information.

Regarding claim 7, Nippon teaches a video game device 103 that reads video game software from a recording medium (host computer memory) and client registration control means for getting access to said service provider through said network and performing client registration of said video game program when the player stops play or

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the game gets interrupted. In addition, if the game becomes interrupted or the player would like to stop the game, the progression of the game is stopped, but saved and printed using a code that tells the machine the game program that was used and the level the player was on at the time. The host computer additionally works as the service provider of the network, giving it administration means to provide the privileged information printed for the player, where it is inherent that the printer control program converts the privilege information into printed data. So, the progression of the game is based on the keycard. Once the player inputs this back into the game machine, the information is read and pulled up for the player. See Detailed Description ¶ 0014.

Nippon lacks in disclosing the advertising information registered and distributed. Von Kohorn teaches advertising material, such as a coupon, being printed out for the players (col.24: 35-52). The advertising material has an advantage of being transmitted to remote locations through instructional signals and printing the coupons. It would have been obvious to one of ordinary skill in the art to use such signals with the system taught by Nippon by authenticating them through the administrative server and embedding and/or printing the advertising material on the key card used by the player. By doing this, the player would carry around the advertising information and be forced to view it, as opposed to a paper coupon separate from the key card where the player may elect to not view the advertised information.

Regarding claim 8, Nippon teaches administration means to provide the privileged information printed for the player. Also, it is inherent that there is a client database in the host computer since there is a keycard printout for an individual player

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and when inserted there is information pulled up where that player last left off. See means for accepting access based on the information on the keycard, which is with respect to the client or player. This allows the player to access the information from when their game was interrupted. See Detailed Description ¶¶ 0014 and 0021. Nippon lacks in disclosing the advertising information registered and distributed. Yon Kohorn teaches advertising material, such as a coupon, being printed out for the players (col.24: 35-52). The advertising material has an advantage of being transmitted to remote locations through instructional signals and printing the coupons. It would have been obvious to one of ordinary skill in the art to use such signals with the system taught by Nippon by authenticating them through the administrative server and embedding and/or printing the advertising material on the key card used by the player. By doing this, the player would carry around the advertising information and be forced to view it, as opposed to a paper coupon separate from the key card where the player may elect to not view the advertised information.

Regarding claim 9, Nippon teaches a distribution control means for accepting access based on the information on the keycard, which is with respect to the client or player. This allows the player to access the information from when their game was interrupted. See Detailed Description ¶¶ 0014 and 0021. In addition, if the game becomes interrupted or the player would like to stop the game, the progression of the game is stopped, but saved and printed using a code that tells the machine the game program that was used and the level the player was on at the time, where it is inherent that the printer control program converts the privilege information into printed data and

that there is a printing control program capable of printing said privilege information.

See Detailed Description ¶¶ 0014, 0021, and 0022.

Regarding claim 11, Nippon teaches a service provider system (host computer and network) where said privilege information is distributed with identification information added thereto by said distribution control means. Nippon shows a distribution control means for accepting access based on the information on the keycard, which is with respect to the client or player. This allows the player to access the information from when there game was interrupted. See Detailed Description ¶¶ 0014 and 0021.

Regarding claim 12, Nippon teaches validation of privilege information on the basis of said identification information that is a part of said privilege information. The identification information is inherent in the keycard being that it is printed for that player at that specific point in the game. Whether the game was stopped by the player or the game play interrupted. See Detailed Description ¶¶ 0014 and 0015. Also, the keycard identifies the stage code and game code, which is identification information specific to that player. See Detailed Description ¶¶ 0021 and 0022.

Regarding claim 13, Nippon teaches administration means to provide the privileged information corresponding to a game stage of a video game. Nippon also teaches a distribution control means for accepting access based on the information on the keycard, which is with respect to the client or player. This allows the player to access the information from when there game was interrupted. See Detailed Description ¶¶ 0014 and 0021. Nippon lacks in disclosing the advertising information registered and

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distributed. Von Kohorn teaches advertising material, such as a coupon, being printed out for the players (co1.24: 35-52). The advertising material has an advantage of being transmitted to remote locations through instructional signals and printing the coupons. It would have been obvious to one of ordinary skill in the art to use such signals with the system taught by Nippon by authenticating them through the administrative server and embedding and/or printing the advertising material on the key card used by the player. By doing this, the player would carry around the advertising information and be forced to view it, as opposed to a paper coupon separate from the key card where the player may elect to not view the advertised information.

Regarding claim 14, Nippon teaches a distribution control means for accepting access based on the information on the keycard, which is with respect to the client or player. This allows the player to access the information from when their game was interrupted. See Detailed Description ¶¶ 0014 and 0021. In addition, if the game becomes interrupted or the player would like to stop the game, the progression of the game is stopped, but saved and printed using a code that tells the machine the game program that was used and the level the player was on at the time, where it is inherent that the printer control program converts the privilege information into printed data and that there is a printing control program capable of printing said privilege information. See Detailed Description ¶¶ 0014, 0021, and 0022.

Regarding claim 15, Nippon teaches a software read-out mean; of a video game program on a recording medium, where the recording medium contains video game program body, privilege information corresponding to a game stage of a video game

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progressed in accordance with a video game program. Nippon also shows printing a keycard containing information related to the game stage the player has progressed to and it is inherent that there is a printing control program capable of printing privilege information corresponding to the cleared game stage when the game stage is cleared. In addition, Nippon teaches a control means for progressing a game stage through accessing the host computer where the keycard obtains printed information corresponding to the game stage the player was on, where the information is converted to notation specified for the keycard. It is inherent that the printing control program converts the information into printing data. See Detailed Description ¶¶ 0014, 0015, 0021, and 0022. Nippon lacks in disclosing the advertising information registered and distributed. Von Kohorn teaches advertising material, such as a coupon, being printed out for the players (col.24: 35-52). The advertising material has an advantage of being transmitted to remote locations through instructional signals and printing the coupons. It would have been obvious to one of ordinary skill in the art to use such signals with the system taught by Nippon by authenticating them through the administrative server and embedding and/or printing the advertising material on the key card used by the player. By doing this, the player would carry around the advertising information and be forced to view it, as opposed to a paper coupon separate from the key card where the player may elect to not view the advertised information.

Regarding claim 16, Nippon teaches a video game program that is accessed from the host computer (from the recording medium) when a stage is cleared. Through use of the keycard, the same concept is put into action where the player can pick up

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where they left off. The player obtains the information relating to their game from using the keycard that accesses the host computer. Nippon also teaches a control means for progressing a game stage through accessing the host computer where the keycard obtains printed information corresponding to the game stage the player was on, where the keycard (when used), in turn, gets access to the service provider based on the game stage and game code identifying information of the player. Through the host computer there is printing control means for converting the privilege information obtained from said service provider into printing data, where the data output on the keycard. See Detailed Description ¶¶ 0014, 0015, 0021, and 0022. Nippon lacks in disclosing the advertising information registered and distributed. Von Kohorn teaches advertising material, such as a coupon, being printed out for the players (col.24: 35-52). The advertising material has an advantage of being transmitted to remote locations through instructional signals and printing the coupons. It would have been obvious to one of ordinary skill in the art to use such signals with the system taught by Nippon by authenticating them through the administrative server and embedding and/or printing the advertising material on the key card used by the player. By doing this, the player would carry around the advertising information and be forced to view it, as opposed to a paper coupon separate from the key card where the player may elect to not view the advertised information.

Regarding claim 17, Nippon teaches a control means that reads out individual identification information every game stage that is cleared by the game having to be

accessed from the host computer for each stage. This is privileged information from the service provider or host computer. See Detailed Description ¶¶ 0014, 0021, and 0022.

Regarding claim 18, Nippon teaches having to access the host computer to obtain the game program information for each game stage and a keycard gaining access to the host computer that contains privilege information relating to the game program and game stage the player was at when the game was interrupted. See Detailed Description ¶¶ 0014, 0021, and 0022.

Regarding claim 19, Nippon teaches reading a game program from a host computer's recording medium, which has privilege information corresponding to a game stage of a video game, progressed in accordance with a video game program. Through the host computer there is printing control means for printing privilege information corresponding to a cleared game stage when the player interrupts the game and this information is printed on a keycard. There is also printing control means for converting the privilege information obtained from said service provider into printing data, where the data output on the keycard. See Detailed Description ¶¶ 0014, 0015, 0021, and 0022. Nippon lacks in disclosing the advertising information registered and distributed. Von Kohorn teaches advertising material, such as a coupon, being printed out for the players (col.24: 35-52). The advertising material has an advantage of being transmitted to remote locations through instructional signals and printing the coupons. It would have been obvious to one of ordinary skill in the art to use such signals with the system taught by Nippon by authenticating them through the administrative server and embedding and/or printing the advertising material on the key card used by the player.

By doing this, the player would carry around the advertising information and be forced to view it, as opposed to a paper coupon separate from the key card where the player may elect to not view the advertised information.

Regarding claim 20, Nippon teaches reading a game program from the host computer that contains identification information from the keycard for the player's game stage and game program, where the keycard was printed with this information and allows the user to obtain access to the privilege information. This allows the player to progress the game in accordance with the video game program. See Detailed Description ¶¶ 0014, 0015, 0021, and 0022. Nippon lacks in disclosing the advertising information registered and distributed. Von Kohorn teaches advertising material, such as a coupon, being printed out for the players (co1.24: 35-52). The advertising material has an advantage of being transmitted to remote locations through instructional signals and printing the coupons. It would have been obvious to one of ordinary skill in the art to use such signals with the system taught by Nippon by authenticating them through the administrative server and embedding and/or printing the advertising material on the key card used by the player. By doing this, the player would carry around the advertising information and be forced to view it, as opposed to a paper coupon separate from the key card where the player may elect to not view the advertised information.

Regarding claim 21, Nippon teaches a printing control program capable of printing the privilege information from the host computer, where it is inherent that the printing control program converts the information into printing data. See Detailed Description ¶¶ 0014, 0021, and 0022.

Regarding claim 22, Nippon teaches a printing control program capable of printing the privilege information from the host computer, where it is inherent that the printing control program converts the information into printing data. See Detailed Description ¶¶ 0014, 0021, and 0022.

Regarding claim 23, Nippon teaches video game program body read from the host computer by the game terminal, where privilege information is obtained from the host computer corresponding to the game stage of the video game program. In addition, Nippon shows a printing control program that is inherent in the system because of being capable of printing information related to the game program on a keycard for a player. See Detailed Description ¶¶ 0014, 0021, and 0022. Nippon lacks in disclosing the advertising information registered and distributed. Von Kohorn teaches advertising material, such as a coupon, being printed out for the players (co1.24: 35-52). The advertising material has an advantage of being transmitted to remote locations through instructional signals and printing the coupons. It would have been obvious to one of ordinary skill in the art to use such signals with the system taught by Nippon by authenticating them through the administrative server and embedding and/or printing the advertising material on the key card used by the player. By doing this, the player would carry around the advertising information and be forced to view it, as opposed to a paper coupon separate from the key card where the player may elect to not view the advertised information. Regarding claim 24, Nippon teaches a printing means for a keycard when the game becomes interrupted, where it is inherent that the printing

control program includes a printer driver because all computers contain printer drivers for their printing programs. See Detailed Description ¶¶ 0014 and 0022.

Regarding claim 25, Nippon teaches a video game program and identification information for obtaining and printing privilege information by a keycard. The keycard contains information relating to the game stage and game program, and allows for access to a service provider (host computer). When a stage is cleared the game terminal gains access to the host computer for the next game stage whether a keycard is used or not. See Detailed Description ¶¶ 0014, 0021, and 0022. Nippon lacks in disclosing the advertising information registered and distributed. Von Kohorn teaches advertising material, such as a coupon, being printed out for the players (co1.24: 35-52). The advertising material has an advantage of being transmitted to remote locations through instructional signals and printing the coupons. It would have been obvious to one of ordinary skill in the art to use such signals with the system taught by Nippon by authenticating them through the administrative server and embedding and/or printing the advertising material on the key card used by the player. By doing this, the player would carry around the advertising information and be forced to view it, as opposed to a paper coupon separate from the key card where the player may elect to not view the advertised information.

Regarding claim 26, Nippon teaches individual identification for every game stage being that there is a keycard that can be printed with information relating to a player's game stage and program. See Detailed Description ¶¶ 0014 and 0022.

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Regarding claim 27, Nippon teaches a video game program that includes a printing program capable of printing the privilege information relating to the player's game stage and game program. See Detailed Description ¶ 0014, 0021, and 0022.

(10) Response to Argument

Appellant argues primarily that:

“Appellants respectfully submit that this disclosure does not teach or suggest a video game system wherein advertisement information is registered by said data base administration means, and said advertisement information is added to said privilege information and distributed by said distribution control means, as recited in claim 1.

Indeed, the combination of Nippon and Von Kohorn does not suggest advertisement information being registered in a data base and added to privilege information” (Arguments, pg 16, par. 1, 2).

In summation, the Examiner respectfully points out that the Appellant essentially recites within claim 1, that the advertisement information is registered by the data base of the administration means, which is then in turn added to the privilege information and distributed by the distribution control means.

In response the Examiner respectfully points out that the combination of Nippon in view of Von Kohorn does indeed teach these features. Specifically, the registering of advertisement data in a data base and adding the advertisement data to the privilege information.

Nippon discloses a game machine that wherein the game programs reside on the host computer 102 to which the game terminals 103 are linked by means of a

communication network (Detailed Description, par 0014, 0039). Nippon specifically discloses that the host computer stores the game programs in a database (Detailed Description par 0039). Nippon further discloses that the printer that prints the game continuation data is further enabled to print various other types of character information such as pattern data that is recognized by the player so that when the player looks at the keycard the player derives pleasure or enjoyment by means of the keycard. The keycard for game continuation becomes an object of a collection in which the player may enjoy collecting (Detailed Description par 0030, 0033).

As noted by the Examiner previously, Nippon lacks the disclosure "wherein advertisement information is registered by said data base administration means, and said advertisement information is added to said privilege information and distributed by said distribution control means." However, this would be obvious to one of ordinary skill in the art in view of the combination of Nippon in view of Von Kohorn. Von Kohorn discloses a networked game wherein the remote participants may engage in "quiz" type games at remote player stations or terminals (Von Kohorn 3:39 – 49). Further, Von Kohorn discloses that the Host computer or central stations that broadcast the electronic game to the remote player terminals may broadcast prerecorded advertisement signals that are used to print a coupon (Von Kohorn 5:42 – 62, 5:65 - 6:2). The advertisement data or coupon information is distributed to the remote players at the remote game terminals in accordance with the transmitted game information (Von Kohorn 24: 19 - 53). In order for the central station to transmit these prerecorded instruction signals that contain the advertising and coupon data to the game terminals,

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the prerecorded instruction signals would have to be stored in some electronic fashion within the central station. Von Kohorn discloses that advertisement data may be printed upon paper tape or coupons along with other types of game data such as prize information. It is well known to one of ordinary skill in the art to use various methods of storing (i.e. registering) electronic signals by means of well known memory structures, such as databases, within a computing device. It would be obvious to one of ordinary skill in the art to modify the Host computer database of Nippon containing the game programs to also store/register advertisement data or coupon data and to transmit (i.e. distribute) the advertisement data to the remote player locations by means of printing the advertisement data along with the privilege data upon the player keycard. By doing this, the player would carry around the advertising information upon the keycard and be forced to view it, as opposed to a paper coupon separate from the key card where the player may elect to not view the advertised information.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Ross A Williams/

Examiner, Art Unit 3714

Conferees:

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714

/Xuan Thai/

Supervisory Patent Examiner, AU 3714